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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO GONZALEZ,

Defendant.

CASE NO. 2:20-CR-00013-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 18, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on October 18, 2021.
2. The government moves to continue the status conference until December 13, 2021, and to exclude time between October 18, 2021, and December 13, 2021, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes photographs, several video and audio recordings, reports, prior arrest reports, and documentation of the defendant's prior criminal history. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for the government has recently changed. Previous government counsel

1 left the United States Attorney's Office and withdrew from the above-captioned case, and the
2 undersigned counsel therefore entered his appearance in this case on September 22, 2021.

3 c) In light of this change, the government desires additional time to review the
4 discovery already produced in this case, to discuss the case with the assigned case agent and
5 defense counsel, to review the previous filings and orders entered in this case, and to otherwise
6 prepare for trial.

7 d) Counsel for the government and the defendant agree to the upcoming date of
8 December 13, 2021, the next date that both counsel and the Court are available.

9 e) Counsel for the government and the defendant agree that failure to grant the
10 above-requested continuance would deny counsel the reasonable time necessary for effective
11 preparation, taking into account the exercise of due diligence.

12 f) Neither the government, nor the defendant object to the continuance.

13 g) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of October 18, 2021 to December 13,
18 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4] because it results from a continuance granted by the Court at the government's request on
20 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.
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1 Dated: October 13, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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3 /s/ AARON D. PENNEKAMP
AARON D. PENNEKAMP
Assistant United States Attorney

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6 Dated: October 13, 2021

/s/ MARIA PADGETT
MARIA PADGETT
Counsel for Defendant
MARIO GONZALEZ

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10 **FINDINGS AND ORDER**

11 IT IS SO FOUND AND ORDERED.

12 Dated: October 14, 2021

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14 WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE